

1987

The State of Utah v. Darrell J. McIntire : Brief of Appellant

Utah Court of Appeals

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David L. Wilkinson; Attorney General; Attorney for Respondent.

Robert L. Froerer; Public Defender Association; attorney for Appellant.

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BRIEF

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DOCKET NO. 870449-CA IN THE COURT OF APPEALS OF THE STATE OF UTAH

THE STATE OF UTAH,

Plaintiff-Respondent,

v.

DARRELL J. McINTIRE

Defendant-Appellant.

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Case No. 870449-CA

Priority No. 2

BRIEF OF APPELLANT

This is an appeal of a conviction on a charge of Theft, a class A misdemeanor, Possession of a controlled substance with intent to distribute, a second degree felony, Burglary, a third degree felony, Theft, a class B misdemeanor, Distribution for value of a controlled substance, a second degree felony, subsequent to pleas of guilty before the Honorable Judge David E. Roth.

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870449-CA
COURT OF APPEALS

David L. Wilkinson
ATTORNEY GENERAL
Attorney for Respondent
236 State Capitol
Saly Lake City, Utah 84114

Robert L. Froerer
PUBLIC DEFENDER ASSOCIATION
Attorney for Appellant
205 26th Street, Suite 13
Ogden, Utah 84401

IN THE COURT OF APPEALS OF THE STATE OF UTAH

THE STATE OF UTAH,	:	
	:	
Plaintiff-Respondent,	:	
	:	Case No. 870449-CA
v.	:	
	:	Priority No. 2
DARRELL J. MCINTIRE	:	
	:	
Defendant-Appellant.	:	
	:	

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David L. Wilkinson
ATTORNEY GENERAL
Attorney for Respondent
236 State Capitol
Saly Lake City, Utah 84114

Robert L. Froerer
PUBLIC DEFENDER ASSOCIATION
Attorney for Appellant
205 26th Street, Suite 13
Ogden, Utah 84401

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ARGUMENT

THE EVIDENCE UPON WHICH THE DEFENDANT WAS
CONVICTED SHOULD NOT HAVE BEEN ADMITTED
BECAUSE IT WAS SEIZED SUBJECT TO AN IMPROPER
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IN THE COURT OF APPEALS OF THE STATE OF UTAH

STATE OF UTAH,	:	
	:	
Plaintiff/Respondent	:	
	:	
vs.	:	Case No. 870449-CA
	:	
DARRELL J. MCINTIRE	:	Priority #2
	:	
Defendant/Appellant	:	

BRIEF OF APPELLANT

JURISDICTION

Jurisdiction to hear the above entitled appeal is conferred upon the Utah Court of Appeals, pursuant to Utah Code Annotated, 1953 (as amended), §77-35-26(2)(a).

STATEMENT OF THE CASE

This is an appeal of a conviction on a charge of Theft, a class A misdemeanor, Possession of a controlled substance with intent to distribute, a second degree felony, Burglary, a third degree felony, Theft, a class B misdemeanor, and Distribution for value of a controlled substance, a second degree felony, entered upon pleas of guilty before the Honorable Judge David E. Roth.

STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

The Defendant is appealing the above listed convictions citing the following grounds for appeal:

1. The search Warrant was invalid for failing to describe with

particularity the place to be searched.

2. The officers executing the search warrant did not have probable cause to seize property not specifically described in the search warrant.

STATEMENT OF THE FACTS

On April 12, 1987, Ogden reserve police Officer Dennis Garcia, contacted Roy Middlesteadt and attempted to purchase controlled substances from him. Roy Middlesteadt took officer Garcia to an area of Ogden City identified as 2210 Jefferson, a lot containing at that time a four-plex at the front of the lot, facing onto Jefferson, and another small house at the rear of the lot. Mr. Middlesteadt represented to officer Garcia that the house at the rear of the lot at 2210 Jefferson, was occupied by the Defendant. Mr. Middlesteadt further represented to officer Garcia that Middlesteadt could purchase drugs from the Defendant on behalf of officer Garcia. At that time, Roy Middlesteadt lived in South Ogden. Subsequently, on or about April 19, 1987, he moved a blue single wide trailer onto the same lot at 2210 Jefferson and occupied the trailer.

On April 21, 1987, officer Garcia returned to 2210 Jefferson, apartment #5, with the intention of purchasing LSD and amphetamine from the Defendant. Based on Officer Garcia's observations on that date, on April 22, 1987, Detective Milton Garrett of the Ogden City Police Department prepared an affidavit for a search warrant to be executed against the person of Darrell

J. McIntire and against the premises described as "2210 Jefferson and blue single trailer parked at south side of house, in the City of Ogden, County of Weber, State of Utah...." The property which was the object of the search was described in the warrant as an "RCA television color, SR #920461570" (described elsewhere in the affidavit as having been stolen from the Flying J Motel in Weber County); "Gold solitaire diamond ring ladies, amphetamines, marijuana, blue and grey metal box about 10" x 6" x 4" w/ "Party Animal" printed on front of box, and drug paraphernalia".

Based on the affidavit of Milton Garrett, Judge W. Brent West of the Third Circuit Court issued a search warrant on April 22, 1987, authorizing the search of "the person of Darrell J. McIntire" and " the premises known as 2210 Jefferson, blue single wide trailer parked at south of house." The property or evidence which was the subject of the search was described as "RCA color television SR #92046150, ladies gold diamond solitaire ring, amphetamines, marijuana, blue and grey metal box about 10" x 6" x 4" w/"Party Animal" printed on the front, and drug paraphernalia."

At 10:00 p.m. on April 22, 1987, Detective Milton Garrett executed the search warrant and filed his return of search warrant and inventory, stating that the property was "seized from the premises located at and described as 2210 Jefferson - blue trailer", and "from the person of Darrell McIntire". Item number 2 on the inventory was listed as an RCA television, no serial number of other identifying information given. Also seized were

a Goldstar VCR serial number 60805295, listed as Item 3 on the inventory, together with manuals for a Goldstar VCR (Item 10) and a Goldstar VCR box (Item 18). Two light fixtures (Item 15 and 16) and an electric timer (Item 17) were also seized.

Subsequent investigation showed that the RCA television which was seized, which did not have a serial number on it at the time of the seizure, could not have come from the Flying J Motel theft; however, the television was established to have been stolen from the Travelodge on Washington Boulevard in Ogden, Utah. the Goldstar VCR was later discovered to have been stolen from the Sears store in Brigham City, Utah.

Defendant was charged with Third Degree Felony, theft by Receiving, "a ring"; Second Degree Felony, Distribution for value of a Controlled Substance; Second Degree Felony, Possession of a Controlled Substance with Intent to Distribute for Value; Class A Misdemeanor, Possession of a Controlled substance; Third Degree Felony, Theft by Receiving , "a VCR" Second Degree Felony, Burglary; Class A Misdemeanor, Theft, "T.V."; and following a preliminary hearing on July 6, 1987 before the Honorable W. Brent West, Defendant was bound over to the District Court for arraignment on all charges.

SUMMARY OF THE ARGUMENT

A search warrant issued and executed on April 22, 1987, was directed toward "premises known as 2210 Jefferson, blue single wide trailer parked at South of house". There were three

separate structures located on the lot designated as 2210 Jefferson, Ogden, Utah, one of which was a four-plex. There was only one address displayed on any of the buildings on the lot, which was 2210. Defendant contends that the search warrant failed to adequately describe the premises to be searched, and was therefore invalid.

Furthermore, Defendant contends that there was no probable cause to seize certain items during the search that were not listed on the search warrant.

ARGUMENT

THE EVIDENCE UPON WHICH THE DEFENDANT WAS
CONVICTED SHOULD NOT HAVE BEEN ADMITTED
BECAUSE IT WAS SEIZED SUBJECT TO AN IMPROPER
SEARCH WARRANT.

POINT I

THE SEARCH WARRANT WAS INVALID BECAUSE IT
FAILED TO DESCRIBE WITH PARTICULARITY THE
PLACE TO BE SEARCHED.

The search warrant issued and executed on April 22, 1987, was directed toward "premises known as 2210 Jefferson, blue single wide trailer parked at south of house". On April 22, 1987, there were three separate structures on the lot designated as 2210 Jefferson, Ogden, Utah; each structure was occupied. In a vacant space at the back of the lot, a blue trailer was parked. The Defendant occupied a small house located at the rear of the lot upon which the numbers "2210" were displayed. The structure at the front of the lot, upon which were also displayed the

numbers "2210," was a four-plex, composed of four separate dwelling units each with outside access. The multi-unit character of the building is immediately apparent, and there is nothing in the address or markings on the buildings to distinguish the four-plex unit from the other residential unit at the back of the lot with the same address.

At the time the search warrant was issued, there was no reason to suspect any of the residents of the four-plex of criminal activity. Nevertheless, the affidavit for search warrant, and the search warrant issued on April 22, 1987, failed to specify which of the five residential units displaying the address "2210 Jefferson" were the focus of the search.

Because the warrant did not refer to Darrell J. McIntire as the occupant of the premises, inclusion of Defendant's name in the warrant did not properly limit the area to be searched.

The Fourth Amendment to the United States Constitution and Article 1, Section 14 state in part: ". . . no warrant shall issue but upon probable cause supported by oath or affirmation, particularly describing the place to be searched, and the person or thing to be seized."

A search warrant must describe "with particularity the thing, place or person to be searched and the property or evidence to be seized." Utah Code Annotated §77-23-1. It is well established that a search warrant directed toward a multiple occupancy structure is invalid if it fails to describe the sub-unit to be searched so definitely that a search of other sub-

units in the larger structure is precluded. Annot. 11 A.L.R.3d 1330. A search warrant describing the premises by a street number common to all sub-units on the lot is invalid if it is in fact directed toward fewer than all sub-units on the lot.

The affidavit and search warrant were valid only for the blue trailer parked on the lot at 2210 Jefferson. Detective Milton Garrett stated in his report that at the time he arrested Roy Middlesteadt on April 22, 1987 at 2210 Jefferson, Mr. Middlesteadt had the key to the blue trailer, not the Defendant. Clearly, at the time of the search, Darrell McIntire did not have control over the blue trailer and the search warrant was not effective to authorize the search of any other unit at 2210 Jefferson.

The Supreme Court of Colorado has followed this rule, holding in People v. Avery, 478 P.2d 310 (Colorado 1970), that where " . . . the warrant merely describes the entire multiple-occupancy structure by street address only, without reference to the particular dwelling unit or units sought to be searched, it is Constitutionally insufficient and the evidence seized pursuant to such a warrant will be suppressed upon proper motion." Id., at 312. The ruling in Avery, was followed in People v. Alarid, 483 P.2d 1331 (Colorado 1971), in which a motion to suppress evidence seized from a multiple-family dwelling was granted where the warrant specified only a street address, and the multiple occupancy status of the structure was known, or should have been known by the police officers, and there was no probable cause to

believe that criminal activity was occurring in every unit at that address.

No exceptions to the requirement of particularity apply to the present case. Neither the affidavit for the search warrant, nor the search warrant itself, identified Darrell McIntire as the occupant of any sub-unit at 2210 Jefferson. Defendant Darrell McIntire did not have access to or control of any unit in the four-plex which was also denominated as 2210 Jefferson. Furthermore, there was no reason to suspect criminal activity in any units of the four-plex at 2210 Jefferson. The multi-unit character of the premises was or should have been immediately apparent to the officers executing the warrant.

POINT II

THE OFFICERS EXECUTING THE SEARCH WARRANT
HAD NO PROBABLE CAUSE TO SEIZE PROPERTY NOT
SPECIFICALLY DESCRIBED IN THE SEARCH WARRANT.

"A Search Warrant shall not issue except upon probable cause supported by oath or affirmation particularly describing the person or place to be searched and the person, property or evidence to be seized". Utah Code Annotated §77-23-3(1).

The search warrant in this case specified as property to be seized a "RCA color television SR #920461570". The probable cause given in the affidavit for seizing this property was that on April 21, 1987, "Officer Garcia went into this house, in the living room he saw an RCA color television very similar to one that a confidential informant described to Officer Fronk of the

Ogden City Police Department, which was stolen from the Flying J Motel in Weber County. In fact, there was no serial number on the RCA television which was seized during the execution of the search warrant, and a subsequent investigation revealed that the television could not have been stolen from the Flying J Motel.

Also seized during the execution of the search warrant was a Goldstar VCR, serial number 60805295, together with the owner's manuals, and the original box in which the VCR had been shipped. The VCR was not listed on the search warrant or on the affidavit for the search warrant, despite the fact that the police reports in this case indicate that the officers believed the Defendant Darrell McIntire to be in possession of a stolen VCR. Also seized during the search, but not listed on the warrant itself, were two light fixtures and an electric timer. There was no reason to believe that any of these items were stolen, or that they evidenced criminal activity.

Even if there was probable cause to search the house and trailer at the back of the lot at 2210 Jefferson, seizure of certain items without a warrant was not justified. The inventory of the items seized in the search lists as item 2, an "RCA TV". Despite the fact that the search warrant specified a particular serial number for the RCA television and gave no other identifying information. The television seized had no serial number or other visible identifying marks. Without a serial number or some other identifying characteristic to tie the television set to the theft at the Flying J. Motel, there was no

probable cause for seizing a television set merely because the brand name on it was "RCA".

In State v. Cook, 546 P.2d 877 (Arizona 1977), the Arizona Supreme Court suppressed a typewriter which was seized from the defendant's apartment, stating that "Items seized must be tied to criminal activity, either intrinsically or through an officer's knowledge and reasonable belief." Id., at 883. In Cook, a police officer seized a typewriter which was clearly visible. A typewriter had been stolen from the office next door to Defendant's apartment, and an employee of the office informed police officers that she had seen what she believed to be the stolen items, in the defendant's apartment. The officer who seized the typewriter heard a police broadcast stating that a typewriter was stolen, but which gave no description. The court found that the officer "lacked any basis for forming a reasonable belief that the typewriter seen was stolen property. He possessed at best a mere suspicion, insufficient to justify seizure." Id. In the instant case, the officer lacked any basis for forming a reasonable belief that the television was stolen property, and seizure of the property, without a more specific identification than a brand name, was not justified.

In the present case, the officer executing the warrant stated in his report that he had been informed that Defendant was in possession of a stolen VCR; nevertheless, no VCR was listed in the affidavit for search warrant or in the search warrant itself. There was no serial number in plain view on the VCR at the time

the search was made, and nothing to indicate that it might have been stolen. If there was not sufficient probable cause to list the VCR in the affidavit for search warrant and the search warrant itself, there certainly was not probable cause to seize the VCR without a warrant during the search. For the same reasons, no probable cause existed for seizing the manuals for the Goldstar VCR, or the box for the Goldstar VCR.

Furthermore, there was no reason to seize without a warrant, the items listed in the inventory as "light fixtures", and the "electric timer", since those items were not listed in the search warrant and were not clearly incriminating.

In State v. Romero, 660 P.2d 715 (Utah 1983), police officers, while executing a search warrant, discovered evidence not listed on the original warrant which related to criminal cases then pending against the defendant. Rather than seizing those items, the officers correctly obtained a second search warrant listing the additional items, and seized the additional items pursuant to the second warrant. The Utah Supreme Court upheld the seizure on that basis, stating that "warrantless seizures are unreasonable per se unless the exigencies of the situation justify an exception." Id., 717-18. The Court stated that "in this situation, a warrantless seizure is justified if: (1) The officer is lawfully present where the search and seizure occurred; (2) The evidence is in plain view; (3) The evidence is clearly incriminating." Id., at 718.

In State v. Daugherty, 22 Wash. App. 442, 591 P.2d 801

(1979) aff'd, 94 Wash.2d 263, 616 P.2d 649, cert. denied, 450 U.S. 958, 101 S.Ct. 1417, 67 L.Ed. 2d. The Washington Court of Appeals reversed convictions for second degree burglary and second degree theft on the grounds that, a police officer in a "semi-private" driveway observed a safe inside a garage, and although the garage door was completely opened, there were vehicles parked in front of the opening, and the defendant had partially covered the safe with a tarpaulin. The Court held that intrusion into the garage and seizure of the safe was not justified without a warrant. The court relied on the theory that since the safe was not threatened with immediate removal or destruction, no exigent circumstances would justify a warrantless seizure.

In the instant case, the items seized without a warrant were not easily susceptible to destruction, and there is no evidence that they might have been removed before a warrant could have been obtained for their seizure. Absent a warrant, seizure was clearly improper. Although the officers executing the warrant may have had probable cause for a warrant to seize the RCA television, the VCR, the two light fixtures, and the electric timer, the Utah Supreme Court has made it clear that " . . . no amount of probable cause can justify a warrantless seizure." State v. Harris, 671 P.2d 175 (Utah 1983), quoting State v. Osborn, 63 Ohio Misc. 17, 409 N.E.2d 1077 (1980). In the Harris case, marijuana plants growing in Defendant's field were seized pursuant to a warrantless arrest and were the basis for his

conviction. The Utah Supreme Court held that there were no exigent circumstances justifying seizure of the plants without a warrant, since the only justifications for a warrantless seizure cited in that case are (1) to remove weapons the arrested person may use to resist an arrest or effect an escape; and (2) to prevent concealment or destruction of evidence linking the arrested person with the crime. In the present case as in Harris, neither of the circumstance numbered above in the Harris decision apply. Therefore, those items which were seized during the search which were not specifically identified in the search warrant should not be admitted into evidence against Defendant.

CONCLUSION

Because the description in the search warrant did not particularly identify those units at 2210 Jefferson to be searched, the warrant and the search were invalid and violated Defendant's rights under the Utah Constitution and the United States Constitution. Accordingly, all evidence seized during the search should be suppressed.

Even if the search warrant was not fatally defective, the RCA television, the VCR, the two light fixtures, the timer were improperly seized. Since those items were not seized pursuant to the search warrant, and there were no exigent circumstances justifying seizure without a warrant, those items must be suppressed.

RESPECTFULLY SUBMITTED this _____ day of February, 1988.

Robert L. Froerer
Attorney for Defendant

CERTIFICATE OF MAILING

I hereby certify that I mailed (4) true and correct copies of the foregoing Brief of Appellant, postage prepaid, on this _____ day of February, 1988, to the following:

DAVID L. WILKINSON
UTAH STATE ATTORNEY GENERAL
236 State Capitol Building
Salt Lake City, Utah 84114

Robert L. Froerer
ATTORNEY

ADDENDUM

RANDINE SALERNO
Attorney at Law
427 - 27th Street
Ogden, Utah 84401
Phone: 393-7333

IN THE SECOND JUDICIAL DISTRICT COURT OF WEBER COUNTY

STATE OF UTAH

STATE OF UTAH,)	
Plaintiff,)	AFFIDAVIT
vs.)	
DARRELL McINTIRE,)	
Defendant.)	Civil No. 18313 et al

STATE OF UTAH)
 : ss.
COUNTY OF WEBER)

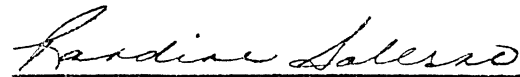
RANDINE SALERNO, being first duly sworn, deposes and says that:

1. I am an attorney duly licensed to practice law in the State of Utah and am the attorney of record for the defendant in this action.

2. The photographs attached to this Memorandum were taken by me on Wednesday, August 12, 1987, at 2210 Jefferson Avenue, Ogden, Utah.

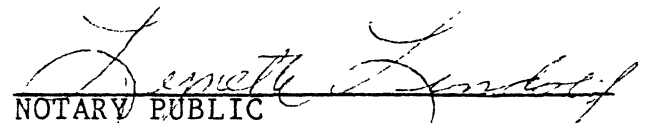
3. The photographs are true and accurate representations of the residential building located at 2210 Jefferson Avenue, Ogden, Utah.

DATED this 13th day of August, 1987.



RANDINE SALERNO
Attorney for Defendant

SUBSCRIBED AND SWORN to before me this 13th day of August,
1987.



NOTARY PUBLIC
Residing at: Ogden, UT

My Commission Expires: 1-21-89

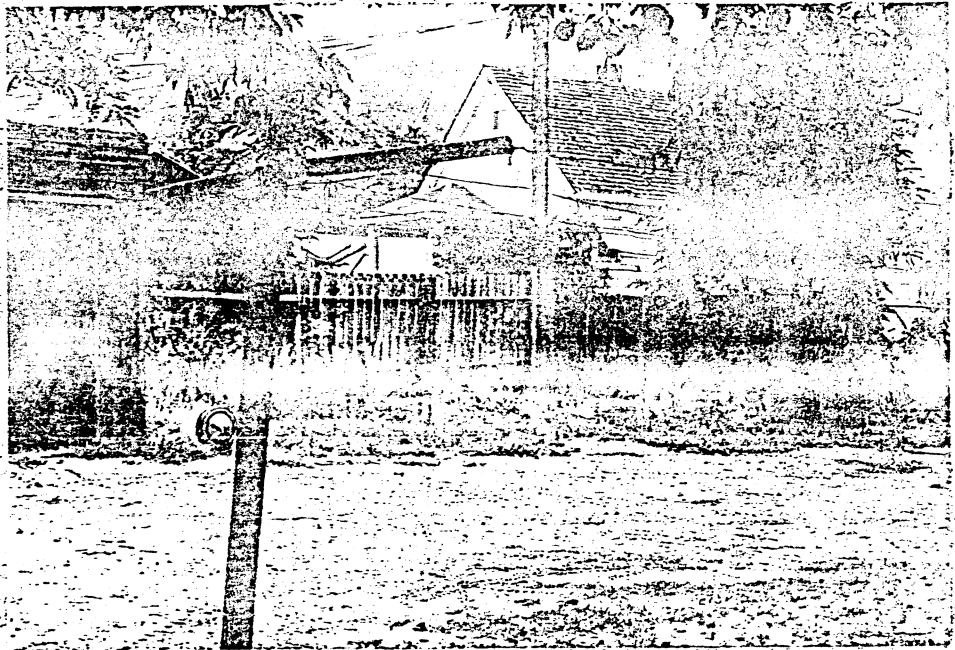


Exhibit A: 2210 Jefferson
Space for blue trailer

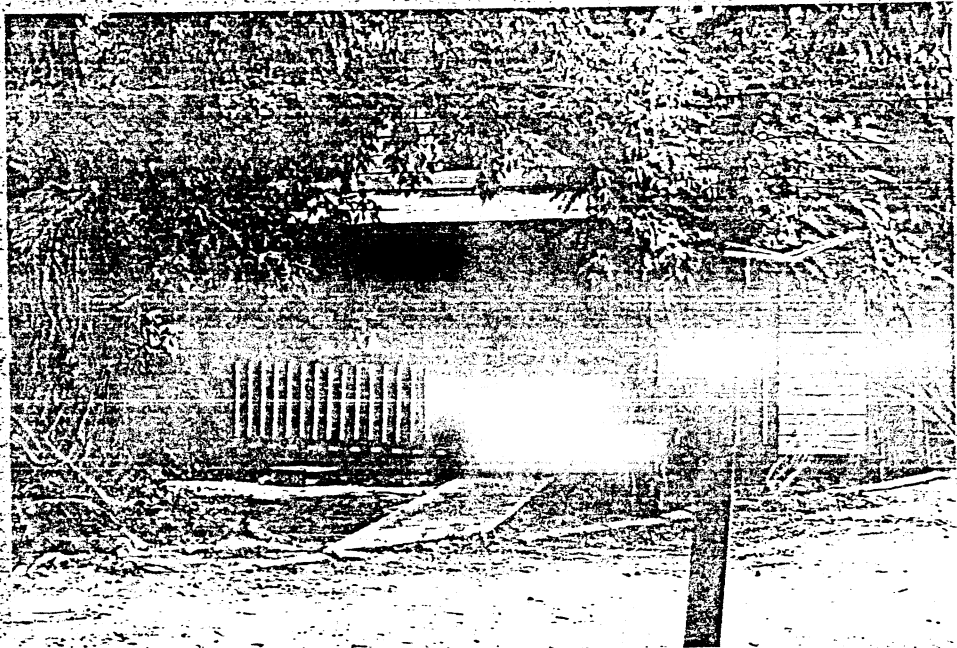


Exhibit B: 2210 Jefferson
Ogden, Utah
Apartment #5

In rear on 2210 Jefferson lot

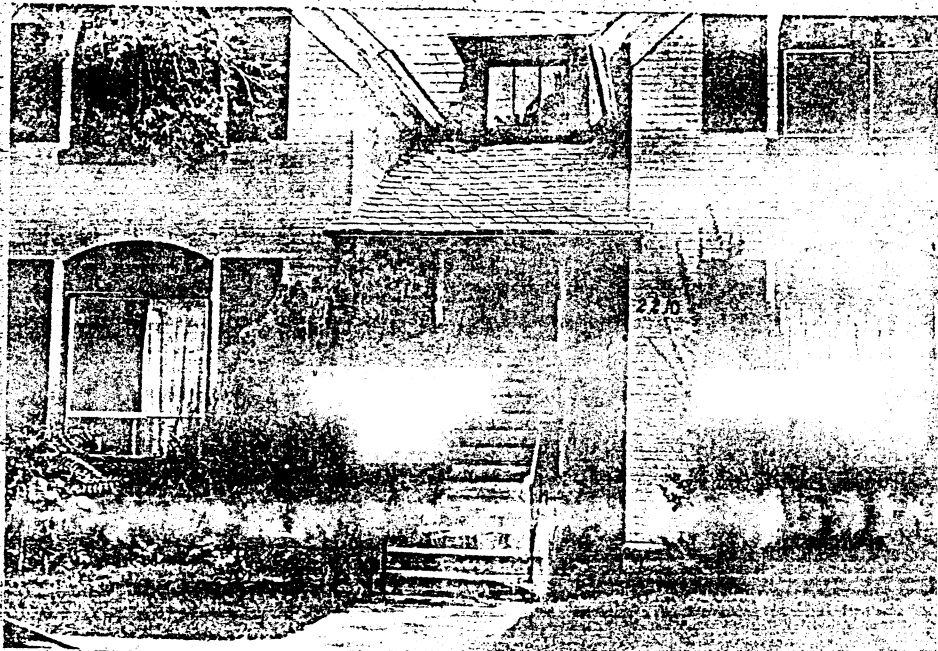


Exhibit A: 2210 Jefferson
4 Plex Building

AFFIDAVIT FOR SEARCH WARRANT

The undersigned being first duly sworn deposes and says:

That affiant has reason to believe that

- ☒ on the person(s) of Darrell J. McIntire D.O.B. 5-4-
- ☒ on the premises known as 2210 JEFFERSON + BLUE SINGLE TRAILER parked at south side of house.
- ☐ in the vehicle(s) described as

in the City of WEBER, County of Weber, State of Utah, there is no certain property or evidence described as:

RCA TELEVISION COLOR SET #920461570, GOLD SOLITAIRE DIAMOND RING LADY
Amphetamines, MARIJUANA, BLUE and GREY metal Box about 10" x 6" x 4" with
"PARTY ANIMAL" printed on front of box. and Drug paraphernalia.
and that said property or evidence

- ☒ was unlawfully acquired or is unlawfully possessed.
- ☐ has been used or is possessed with the purpose of being used to commit or conceal the commission of an offense
- ☒ is evidence of illegal conduct.

The facts establishing the grounds for issuance of a Search Warrant are

RESERVE OFFICER D. GARCIA

On 4-21-87 at about 1945 HRS Present to 2210 JEFFERSON to purchase L.S.D. (LYSERGIC ACID DIETHYLAMIDE) and CRACK, (Ampheta) from Darrell McIntire. GARCIA went into this house, in the lie on he saw a RCA COLOR TELEVISION very similar to the one a confidential informant had described to officer FRANK (O.P.D.) that was stolen from FLYING "J" MOTEL in WEBER COUNTY by Darrell and a Roy MIDDLESTEAD WEBER COUNTY CASE # 86-9177 11-17-86. GARCIA also observed MARIJUANA in an ashtray on the coffee table in the kitchen. He also saw several razor blades + small mirror on most furniture throughout the house, these items together are known to me as drug paraphernalia. He also saw syringes on the T.V. and a refrigerator. He also saw a ~~man~~ ^{my} suspected

Further grounds for issuance of a Search Warrant are attached hereto and incorporated hereto. (See attachment(s) 2-18-1A)

White - Court Copy
Yellow - Officer's Copy

SEARCH WARRANT

Case

1

marijuana plant in a blue trash which is parked at the South side of the house. GARCIA and Darrell McIntire had made a deal where as Darrell would take a ladies gold diamond solitaire ring which GARCIA had represented to Darrell as stolen in exchange for 1/2 gram of "CRANK" (AMPHETAMINE)

On 4-12-87 GARCIA had showed Roy MIDDLESTEAD the same ring. GARCIA told Roy it was stolen and asked Roy if he knew anybody who could get rid of it for him. Roy told GARCIA that he and Darrell could get rid of it.

Also on 4-21-87 GARCIA had made arrangements with Darrell to return on 4-22-87 to purchase L.S.D. (LYSERGIC ACID DIETHYLAMIDE) Also when the deal was made Darrell opened a grey & blue metal box. GARCIA saw inside and observed 3 ea baggies of marijuana, several syringes, 2 ea vials of suspected "CRANK" 1 ea bottle of white powder and U.S. currency. From one of the vials Darrell weighed the 1/2 gram of suspected CRANK. Darrell took the ring and put it in the box and locked it.

On 4-22-87 at about 1910 HRS GARCIA returned to McIntire house. No transaction took place. GARCIA observed the television still in the house.

NOTE: Darrell has 3 ea machettes (large knives) on a table in the living room.

W. J. GARCIA

CONTINUATION REPORT FORM

Your affiant considers the information received from the confidential informant reliable because: N/A

The following information corroborates the facts given by the confidential informant: N/A

WHEREFORE, the affiant prays that a Search Warrant be issued for the seizure of said items

- () in the daytime.
(X) at any time day or night because there is reason to believe it is necessary to seize the property prior to it being concealed, destroyed, damaged, altered, or for other good reasons as follows:

It is further requested that the officer executing the requested warrant not be required to give notice of his authority or purpose because

- (X) the property sought may be quickly destroyed, disposed of or secreted.
(X) physical harm may result to any person if notice were given. This danger is believed to exist because:

Darrell has 3 ea machettes with in easy reach of the front door. Darrell also told GARCIA that he had taken some CRANK prior to his arrival on 4-22-87. He has also been known to be violent in the past.

Milton Garrett
AFFIANT

Detective
TITLE

Subscribed and sworn to before me this 22ND day of APRIL, 1987.

W. Brent W...
JUDGE

IN THE CIRCUIT COURT
WEBER COUNTY, STATE OF UTAH

S E A R C H W A R R A N T

TO ANY PEACE OFFICER IN THE STATE OF UTAH:

Proof by affidavit under oath having been made this day before me by
Milt C. ARRENT, I am satisfied that there is probable
cause to believe that

- ☒ on the person(s) of Darrell J. MCINTIRE DOB 5-4-56
- ☒ on the premises known as 2210 JEFFERSON, blue single
wide trail parked at south of house
- ☐ in the vehicle(s) described as

in the City of WEBER, County of Weber, State of Utah, there is
now being possessed or concealed certain property or evidence described as:

RCA COLOR TELEVISION SET #920461570, LADIES gold DIAMOND SOLITAIRE RING,
AMPHETAMINES, MARIJUANA, BLUE & GREY metal box about 10"x6"x4"
w/ "PARTY ANIMAL" PRINTED on the front. AND DRUG paraphernalia.

which property or evidence

- ☒ was unlawfully acquired or is unlawfully possessed.
- ☐ has been used or is possessed with the purpose of being
used to commit or conceal the commission of an offense.
- ☒ is evidence of illegal conduct

YOU ARE THEREFORE COMMANDED:

- ☐ in the daytime
- ☒ at any time day or night
- ☒ to execute without notice of authority or purpose

to make a search of the above-named or described person(s), premises, and
vehicle(s) for the herein above-described property or evidence and if you
find the same or any part thereof, to bring it forthwith before me at the
CIRCUIT Court, County of Weber, State of Utah, or retain such property
in your custody, subject to the order of this court.

Given under my hand and dated this 22ND day of APRIL, 1987.

W. Brent Allen
JUDGE

White - Court Copy
Yellow - Officer's Copy
Pink - To be Left at Seat of Search

IN THE CIRCUIT COURT
WEBER COUNTY, STATE OF UTAH

RETURN OF SEARCH WARRANT AND INVENTORY

COUNTY OF WEBER)
 ss.
STATE OF UTAH)

I, Milt GARRETT, do swear that at 10 o'clock P.m. on the 22 day of APRIL, 1987, I executed a Search Warrant dated the 22 day of APRIL, 1987 and signed by Judge WEST of the above entitled Court and seized from the premises located at and described as 2210 JEFFERSON - BLUE TRAILER

and from the vehicle(s) described as

and from the person(s) of Darrell MCINTIRE

the following personal property:

- #1 SYRINGE - FRANK
- #2 RCA T.V. - JOHNSON
- #3 GOLDSTAR V.C.R. 60505295 - JOHNSON
- #4 MARIJUANA BOWL - FRANK
- #5 ROCK CLIP - FRANK
- #6 SUSPECTED MARIJUANA 4 baggies - EMPEY
- #7 bag of BINDER paper + receipt - FRANK
- #8 Scales - EMPEY
- #9 Blue metal Box - 2 tools, spoon, mirrors, suspected marijuana + Dia Ring. FRANK
- #10 Manuals for GOLDSTAR V.C.R. EMPEY
- #11 MIXER, PILLS, SYRINGES + Pipe - JOHNSON
- #12 WHITE BUCKET MARIJUANA plant GARCIA
- #13 WHITE BUCKET MARIJUANA plant GARCIA
- #14 WATER PIPE - FRANK
- #15 LIGHT FIXTURE - GARCIA
- #16 LIGHT FIXTURE - GARCIA
- #17 ELECTRIC TIMER - GARCIA
- #18 GOLDSTAR VCR BOX - GARCIA

White - Court Copy
Yellow - Officer's Copy
Pink - To be at Scene of Search

I do further swear that the above inventory contains a true and detailed account of all property taken by me on the above date, that a receipt for the property was

☒ given to Jackie BAXTER,
() left in the place where the property was found, .

and that the said property is being held at OGDEN CITY POLICE,
waiting further order of the Court. EVIDENCE

M. Garrett
AFFIANT

Detective
TITLE

Subscribed and sworn to before me this 23RD day of APRIL, 1987.

M. Brent Wood
JUDGE

White - Court Copy
Yellow - Officer's Copy
Pink - To be Left at Scene of Search